Memo

Appeal No 53 of 94-95.

Narayappa ~~&~~ Subraya.

In this case the appellant was represented by Pleader B. Narayana Rao of Shimoga and Respondent by Mr Ananda Rao S. Sirsi. The endorsement communicating the decision of Govt to the appellant was by mistake addressed to Mr Ananda Rao, as if he were the appellant's advocate. The enclosures of the appeal petition (copies of judgments and decrees of the lower courts) were returned with the endorsement. The appellant applied for and obtained a copy of the Proc containing the Govt decision. He has not asked for return of the enclosures Respondent has now produced the original endorsement, with his review application which has been rejected. The endorsement communicating

this b- him is ready for issue.
Orders are solicited whether
with it the original endorse-
ment - may be returned to
the Respondent:

Subd b- the Assistt Secy.

S.V.
14/2/96.

Subd b- the Under Secretary
as a copy of Subpoena sent to Respts
Advocate, as per orders of the 1st Committee,
the endorst produced by Respt with
his appln for review may I submit
be returned to him.

The Respt is not entitled to retain
copies of the judgments & decrees of the
lower Courts produced by appellant.
The latter may be under the im-
-pression that those copies are in this
Office and may, ~~on this day~~,
apply for their return. If approved,
Mr Sirsi will be asked to return
the copies

14/2 Yes - I think this
might be done

HBL
15/2/96

P.K. 297/95

G. R. S. IX-5]

Previous references.

1894-95
~~192~~ .
(L. F.)

Later references.

(110 of 94)
File No. 110 of 94
Serial Nos. 1 to 7

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1 to 7

W. ~~Part~~ B for February 1898

SUBJECT.

Arrival of Paramatha regarding
the Islandage of Vargunda Pirka in the
Sagar Paltk.

WD 2233—G.P.B.—20,000—14-6-20

Endorsed
86

Gen. Serial No. 32.]

189

No. 831

Name of Petitioner. Naranappa bin Ranjappa by Mr B Narayan Rao, Pleader

Village.

Taluk. Shimoga

District.

Date of Arzi. 15·9·96

Date of Receipt. 17·9·96

Date of Disposal.

No. of Enclosures.

ABSTRACT.

Appeals against the order of the Deputy Commissioner, Shimoga District in Rev appeal No. 47 of 1893-94 dated 18th June 1896 —

The grounds of appeal are in English

Ins.

19/8

record appeal in a
regular suit
In time
Stamp sufficient
All for entire record.
be posted for hearing
22/9

L. R. 110-94-1

3

Rel 2 – No 163

1) Grounds insufficient but there is a prima facie case to be heard

2) ~~Out of time~~ The question of time is difficult to discern as it is doubtful when the second application for review can be entertained

3) Second application for review of order passed in 2 connected cases (the other was rejected vide Serial No 6)

4) Counter Case

Put up 5th counter

RD 7.15 Pm.
26.1.98.

26/1/98

Matter already heard and finally decided

Hence debt the stay order dated 1.12.97 for further consideration

Sent to the concerned Section
30/1/98

29.1.98

31.1.98

Sent back to table
31/1/98

No. 521

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

L.R. 110-94-2

OFFICIAL MEMORANDUM.

The accompanying Petition No. 831

dated 15-9-94 received at the Dewan's Office from Karuppa bin Kranjiha [illegible]

is forwarded, together with its five enclosures, to the [illegible]

The enclosures returned herein [illegible]

By order,

3/10/94

BANGALORE, for Chief Secretary.

The 3rd October 1894.

3.

M.G.C.P.B.—23-6-94—1,000.

6 6

Gen. Serial No. 31.] (3)

1894 5-917.

From The Asst. Commissioner Shimoga Dist.

To Chief.

The Secretary to the Dewan of Mysore.

Dated 8th November 94.

Despatched

Received

Enclosures—No. 6 with record sent early

General No. 3 3

No. 393

With reference to his Memo No. Pet 521 93 dt. 28th ultimo forwards the entire records in Revenue appeal case No. 4 of 1893-94 on the file of this Court.

Reed 12/11

L.R. 110-94-3

Noted 13/11

Noted 13/11

Orders to issue Notices to issue 14/5

Orders to 2nd Issued Give Notice to Appellant Com. Inspr. (Appellant) & Respt Com. Inspr. 12/10

1894. 7

From

The D/ Commissioner
Shimoga District

To The Chief Secretary to the Dewan
of Mysore.

D/ 8th November 94

No 391/303 I am directed to forward herewith

this Official Memorandum No Rel-521 dated 3d. ultimo forwarding a Petition with enclosures from Narrappa bin Manjappa for submission of the entire records in the case.

In returning the Petition with enclosures received with the above, I have the honor to forward as per Receipt attached the entire records in Revenue Appeal Case No. 4 of 1893-94 on the file of this Court and the Proceedings in O.S. No 6 of 1892-93 on the file of the Sub-Division Court, Sagar.

I have &c.

H. Cumming, ICS
D/ Commissioner,
Shimoga Dt

Respondent
Narrappa.

Appellant.
Shanbhog Subba Row

8

MYSORE REVENUE COURT
REGD. No. 561
DATE 17-2-95

MYSORE COURT FEE

A.S. 53 of 94-95

In the Court of the Sub-Collector and Assistant to His Highness the Maharaja of Mysore
Bangalore

Revenue Second Appeal No. 1894-95

Narnappa bin Manjappa residing at Kyatanahalli village of Kandikere Tagar Sahukar Shimoga District ... 2nd Respt. / 1st Appellant

Subbaraya bin Timmappa residing at Kyatanahalli village ... 2nd Appellant / 1st Respt. / Deft.

Narnappa the appellant named above most respectfully begs to appeal to this Honourable Court against the decree and judgment of the Deputy Commissioner of Shimoga in Revenue appeal No. 4 of 93-94 dated 18th June 1894 on the following grounds:—

(1) That the decision of the Lower appellate Court is illegal

(2) That the reasons adduced by the Lower appellate Court to consider the suit being fraudulent are not sound

3 That the remark of the Lower appellate Court

10

ವಕಾಲತ್ತುನಾಮೆ.

ಕೋರ್ಟಿನಲ್ಲಿ

ನಂಬರು

OVF 4-95

ವಾದಿ

ಪ್ರತಿವಾದಿ

ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್ತುನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನ 1 ಪರವಾಗಿ ಕೋರ್ಟಿನಲ್ಲಿ ಹಾಜರಾಗಿ ವ್ಯವಹರಣೆ ನಡಿಸುವದಕ್ಕೂ ಬೇಕಾದ ರಿಕಾರ್ಡು ಹಾಜರ್ಮಾಡಿ ವಾಪಸು ಪಡಿಯುವದಕ್ಕೂ ಬೇಕಾದ ಅರ್ಜಿಗಳು ಕೊಡುವದಕ್ಕೂ ಸಹಾ ಇದರಿಂದ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೆ 1 ಇದರಲ್ಲಿ ತಾವು ನಡಿಸುವ ಯಲ್ಲಾ ವ್ಯವಹರಣೆ ನಾ 1 ಖುದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪುತ್ತೆ 1

ತಾರೀಖು 7.7.1896

ವಪ್ಪಿದೆ

B. Narayana Rao Bhadur

ಈ ವಕಾಲತ್ತಿಗೆ ರುಜು ಹಾಕಿರುವವರು ನನಿಗೆ ಪರಿಚಯಸ್ತರು ಮತ್ತು ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿದ್ದಾರೆ ತಾರೀಖು

Narasappa S/o Narsimhaiah
admitted the execution of the
Vakalathunama

ಬೆಂಗಳೂರು ಟಿವ್ಲ್ ಪ್ರಸ್-OVF.

9 Court viz neither the plaintiff nor his ancestor have ever been the officiator Shanbhog would not affect the plaintiff's right to the Huck, as admittedly the family of the parties was not divided till recently.

(4) That plaintiff does not lose his right to the office though as observed by the Lower appellate Court the defendant and his father were the officiator Shanbhogs since 1836, as the plaintiff and defendant are or were members of an undivided family and admittedly continued to be such within the statutory period

(5) That the suggestions of the Lower appellate Court to wait till a vacancy occurs is simply arbitrary and is opposed to the spirit of Law and Equity

15th Sept 94 } S. Narayana Rao
Shemoga } Pleader for Plt

11

(5)

Proceedings of the Court of Inquiry

L. R. 110-94-4

Read:—

(1) Petition No 55/A.S.53 of 1894 presented by Ramappa bin Nanjappa of Nandidale, Sagar Taluk against the decision of the Deputy-Commissioner Shimoga District, dated the 8th June 1894 dismissing the Petitioners suit for the recovery of the office of Shanbhog of the Hosagunda circle.

(2) Proceedings received with docket No 391/393 dated 8th November 1894 from the Deputy-Commissioner Shimoga District disclosing the facts of the case and the Petitioner and Counter Petitioner Subbanna are undivided cousins, that the Hosagunda Inquiry consisting of 12 villages the

The facts of the Case are that the Petr & C. Petr subbanna

The Hosagunda Inquiry which consisted of 12 villages was at the Police Settlement in 1886, divided into two Circles, Hosa-

Shanthapalli of which the
Counter Petitioner has been
holding ~~for~~ the last 20
years, viz, at the Original
Settlement in 1856, divided
into two circles, namely,
Randitala and Hosagunda,
and the Counter Petitioner
appointed
to one of them, Randitala,
that the Counter Petitioner having
deposed on 12th March 1856,
(Exhibit C.) that the Karanam
of the Hosagunda circle should
be entered in the name of
Petitioner who was living
jointly with him, the Subah
Officer, Sagar, gave a decree
in favour of Petitioner, but that
on appeal, the Deputy Com-
missioner held that the
Counter Petitioner who had been doing
the duties of both the circles
for 20 years should not be

Jundagunda and Randi-
tala. The Counter
Petitioner had been
the Shanbog of the whole
Some
Inquam for 20 years,
till then, but the Opp-
osite party who subsequently
deposed before the
Settlement Officer and
in September 1856, he
Muldas that Petr
Narayappa should be
appointed as Shanbog
of Hosagunda Phirka.
Owing to some other
person intervening,
this was not then
carried out.

The Petr filed a
suit in 1872 before
the Subdr Opp. Party
gave a decree in, fa-
vour. The Dy. Comr
reversed the decree
on the ground that the

15

no-831/A.S.53 P.

R. 110-94-5

16.

Draft

By order

7/8/95

Revenue Secretary

Ananda Rao S. Sirsi Esq
Advocate for Petr.

C-Pet^r had been in enjoyment for a considerable period and that the Pet^rs should not fill a vacancy occurred.

be distributed and that Petitioners should not fill the vacancies of a trustee.

— 4 —

Order thereon. Co 1771
8 9-8-95

The Defendant made an unqualified admission of Plaintiff's right. His Defendant's advocate here admits that there has no division. Plaintiff's advocate alleges that the family remained as an undivided family at the time of the Patta Tirpi Settlement. In the face of the admission made by the Defendant in March 1886, and in the face of the concurrent findings that the Plaintiff is a Ratakar to the office, there is no reason to deprive the Plaintiff of his right.

to enjoy the vacant circle.

The Deputy Commrs
Order is set-aside, and the
decision of the original court
restored.

Draft [illegible] 9-8-97
Revenue Secretary.

Draft Submitted —
8/6/98

To
The Deputy Commr
Shimoga District with
records.

Pet.
Inst. C.
23/12/97

17

L-R/10-94-6

Reference
4/1/98

To Govt. Records for speed.

1771
P 29-95

14 1 98

2nd Reminder

Sheet of paper No 5238-07
10 & 33

6 December 897 notice

Second Reminder

1771
P 29-95

(11)

1898

No. 1631

Name of Petitioner Subba Rao

Village Nandihalli

Taluk Sirsi

District Shimoga

Date of Arzi 8-6-96

Date of Receipt 3-1-98

Date of Disposal

No. of Enclosure One file — Seven

ABSTRACT

Petn. ref: to Govt: Endorse-ment No: 831 dt 10-8-95- as to 53 the order of setting aside the order of the D.C. of Shimoga in the Shanbhogue Service of Nandihalli Taluq & the Shanbhogue Service of Pandadalli Taluq of Sirsi the petitioner states that he Shanbhogue Kulkarni hereditary & such cannot be treated as ordinary Revenue Servants - that the decision of the Asst. Commr. regarding the distribution of the Patage

was granted - that the office was held by the petitioner's father and after his death the duties were discharged by the petitioner himself - that the decision in this case is opposed to Govt. Cir: No: 5238-46 Cir 133 dated 6th Dec 1889 in as much as mere omissions of the duties of the office in favour of others are not recognised by Govt and that Section 4 the son of the petitioner is the legal heir of the Shanbhog

Prays that his son may be recognised as the Shanbhoga

CR
~~10/9/98~~
10/1/98

The order of 1887 cannot be held to over-ride the clear provisions of the Govt Rule which provide for the appointment of a separate Shanbhog for each Charge & to the appointment of a near relative (or Sharpest) who is fit (or may) be trained to discharge the duties of the office. The duties cannot be made hereditary for the officers from his own family The Govt refuses to put it may not have been born in 1886

clearly the sum[21] fixed by the Government as a remuneration for the due discharge of the duties of the Office.

3 That the Office in dispute was, all along, held by the father of your memorialist and after him by your humble memorialist himself, and that neither the Plaintiff nor his father had, at any time, any thing to do with the office! Are facts well established in the case. That under these circumstances your humble memorialist begs to urge that the Office in question could not be treated as Vacant as held by the Sub-Division Officer.

4 That the so called admission of your memorialist that the Office might be given to the Plaintiff — Narmashe cannot be viewed as a consent for a complete transfer of the suck. That no effect was then given to that admission and the Plaintiff

was never, upto till 2 2 now, appointed Shanbhoge in accordance therewith.

That Such admissions of the huckdars made under Similar circumstances have been held by the Government in 1887 to be a qualified one and that persons who were appointed as Shanbhoges at the time of Police Settlement in accordance with the admissions of the huckdars were also held to be mere gumastas (Vide the circular order of the Governme of Mysore No 5238-46 Circular 133 Dated 6th December 1887)

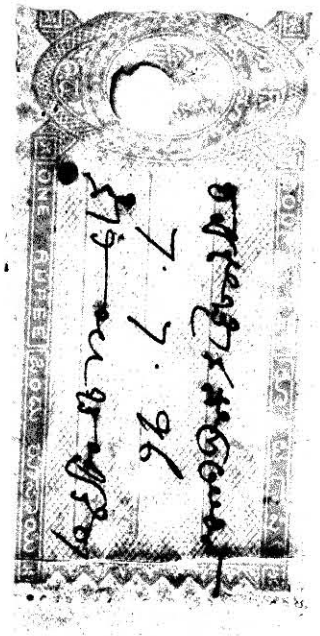
5 That even granting that the Office was Vacant and is still Vacant, Shimmappa the Son of your humble memorialist is according to Law and the long established practice entitled to Succeed to the Office in preference to the Plaintiff who is only the divided Cousin of your humble memorialist.

6 That your humble memorialist

and his Son cannot, under any view of the case, be deprived of the Luck in dispute.

—For the above reasons the humble memorialist prays that Her— Highness may be graciously pleased to take into Kind— Consideration both the law and the facts of the case and to confer the hereditary office in dispute upon [illegible] if your memorialist cannot be allowed to continue

P. 6. 1876



Two Rupees

The office of the Private Secretary
H. H. the Maharani Regent, Mysore

Most honored Sir,

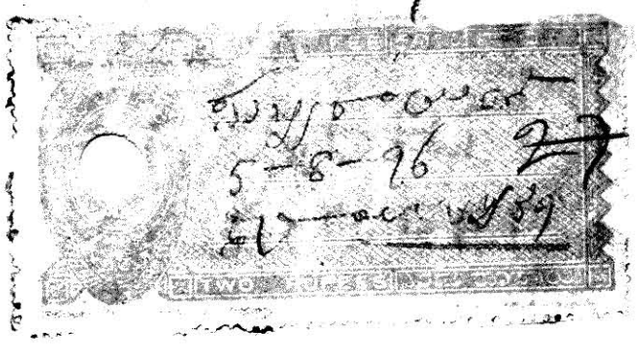
On the receipt of your honor's office
No. 859 dated 15th June 1896, I, the undersigned
most humbly and respectfully beg to enclose
herewith two Mysore Court fee stamps worth
a rupee each, for the issue of notice to the
Counter-petitioner Narnappa bin Ranjiah
resident of Nanditale of the Sagar Taluq
Shimoga District,

I beg to remain
Most honored Sir
your most obedient & humble Svt

ਕਰਨ ਦੀ ਬੇਨਤੀ ਕੀਤੀ ਹੈ। ਜਿਸ ਦੀ ਪੜਤਾਲ ਕਰਨ ਤੋਂ ਬਾਅਦ ਇਹ ਪਾਇਆ ਗਿਆ ਕਿ ਉਕਤ ਵਿਅਕਤੀ ਦੀ ਉਮਰ ਸਕੂਲ ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਘੱਟ ਹੈ। ਇਸ ਸਬੰਧੀ ਸਕੂਲ ਦੇ ਰਿਕਾਰਡ ਦੀ ਤਸਦੀਕ ਕਰਨ ਲਈ ਸਕੂਲ ਦੇ ਮੁੱਖ ਅਧਿਆਪਕ ਨੂੰ ਪੱਤਰ ਨੰ. ਪ੍ਰ/ਸ ਮਿਤੀ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ। ਪਰੰਤੂ ਅੱਜ ਤੱਕ ਸਕੂਲ ਵੱਲੋਂ ਕੋਈ ਜਵਾਬ ਨਹੀਂ ਦਿੱਤਾ ਗਿਆ।

27

No 290



Twohs. Stamp affixed

To

The private Secretary
H.H. the Maharani Regent
Mysore

Most respected Sir,

With reference to the orders (herewith submitted together with the Notice by the Amildar of Sagar) issued by the ~~Sub division officer~~ of Sagar for delivery of Shanbhoki charge to Narnappa, I the undersigned most humbly and respectfully beg that the same may be kindly suspended until the final decision of the Appeal pending (in your honors office) against the said Narnappa and that the orders to this effect be kindly issued to the Sub Division officer of Sagar.

5th August 1896
Sagar

I beg to remain
most respected sir,
your most obedient & humble servant
Nanditale Subbaraya
Shanbhogue of Hosagundu Magani
of Sagar Taluq Shimoga district

(Signed in Kanarese.

Rs 1 Stamp

ನಂ ಸೂಮು
1631

3-2-98

L.R. 110-94-7

ಹುಜೂರ್ ದಿವಾಣ ಕಚೇರಿಯಿಂದ.

ಶಿವಮೊಗ್ಗ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ನಿವಾಸಿ ತಾಲ್ಲೂಕು ನಗರ

ಗ್ರಾಮದ [illegible] ಯಿಂಡಾರ್ನ ಹುಕುಂ.

[illegible] ವಿಷಯವಾಗಿ ನೀವು

8-6-96 — ನೇ ತಾರೀಖಿನಲ್ಲಿ ಬರದುಕೊಂಡ ಅರ್ಜಿ ಶ್ರೀಮ್ ಮಹಾರಾಣಿ ರೀಜಂಟರವರ ಸನ್ನಿಧಿಯಲ್ಲಿ ಶ್ರುತವಾಗಿ, ಈ ಅರ್ಜಿಯಲ್ಲಿ ನಮೂದಿಸಿರುವ ಸಂಗತಿಗಳ ಪರ್ಯಾಲೋಚನೆಯಿಂದ, ಈ ವಿಷಯದಲ್ಲಿ ಪ್ರವೇಶಮಾಡಲು ತಿರಸ್ಕರಿಸಿರುವದಾಗಿ ಶ್ರೀಮ್ ಮಹಾರಾಣಿ ರೀಜಂಟರವರು ತೀರ್ಮಾನಿಸಿರತಕ್ಕ ಅಂಶವನ್ನು ನಿಮಿಗೆ ತಿಳಿಸಿರುತ್ತೆ. ನಿಮ್ಮ ಅರ್ಜಿ ಮಲಪ್ಪಾಪಿಗಳನ್ನು ವಾಪಸು ಮಾಡಿರುತ್ತೆ.

ಬತಾರೀಖು 31 ನೇ ಮಾಹೆ [illegible]

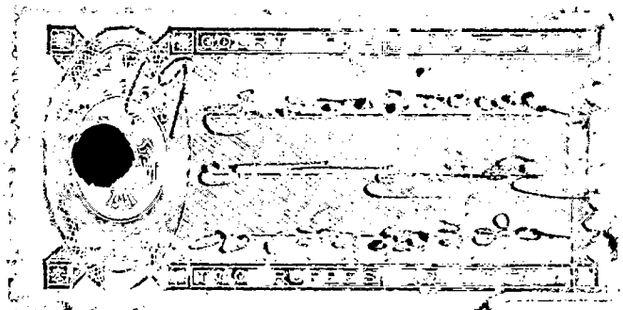
ಸ್ಯ 1898 ನೇ ಇಸವಿ ಮೊಕ್ಕಾಂ [illegible]

By Order,

Secretary

Dec. 1891

No 290



MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. No 1631/97
DATE 3-1-98

To

Pet'd 23/12/97

His Highness the Maharaja
Regent
Vanivillas
Mysore

Humble memorial of
Subba Rao Son of
Thimmiah Lambhage
of Holagundi residing
at Nandikatay Sagar
Taluq Shimoga District

Most humbly showeth

That submitting herewith
the copies of Judgments passed by the
Asst. Division Officer of Sagar and
by the Deputy Commissioner of Shimoga
in Revenue Case No 6 of 1892 and in
Revenue Appeal No 4 of 1893-94 —

Respectively and also the endorsement
of the Divan Hasur Office No. 831/45.53
Dated 10th August 1895, the humble
memorialist most respectfully
craves that Her Highness may
be pleased to take the following
into kind and favorable Consider-
-ation.

1 That the Shanbhoge Ruck in-
question was, as appears clearly
from the Revenue account called
Khanbhogara Jhadati Patty of
1841, acquired by the father of the
humble memorialist by mean
of Sale from one Shimmappa
and as such it was his self-
acquired Ruck and the Plaintiff
has no manner of right to it
nor can it be treated as an
undivided family property.

2 That the Sub-Division Officer
of Nagar has wrong in holding
that the Patta of the circle in
dispute was divisible. That